

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JAMES ROBINSON,

Plaintiff,

-against-

POLICE OFFICER MAHMOUD, et al.,

Defendants.

**ORDER**

**09 CV 1450 (BMC) (LB)**

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**BLOOM, United States Magistrate Judge:**

By letter dated November 26, 2009, plaintiff requests the Court's guidance regarding discovery. Document 40. He provides the Court with a copy of his discovery requests, which he states are requests for discovery materials and *not* interrogatories, and asks that defendants' counsel treat them as such. Plaintiff also requests that defendants follow his method, which is outlined in his letter, for responding to his depositions by written questions.

As previously stated, "[d]iscovery is governed by Rules 26 through 37 of the Federal Rules of Civil Procedure and is conducted between the parties without the Court's involvement." Document 38. Since plaintiff seeks documents and other tangible things pursuant to Fed. R. Civ. P. 34, as opposed to responses to interrogatories pursuant to Fed. R. Civ. P. 33, he should write directly to defendants' counsel to requests these materials. Plaintiff should not be writing to the Court.<sup>1</sup> Additionally, plaintiff cannot require defendants to follow "his method" for responding to his written deposition questions. The Federal Rules of Civil Procedure govern discovery, and both plaintiff and defendants are required to follow these rules. See Fed. R. Civ. P. 31 (rules

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<sup>1</sup> Plaintiff *must* make a good faith effort to resolve any discovery dispute with defendants' counsel before requesting the Court's assistance. See Fed. R. Civ. P. 26(c); Local Civil Rule 37.3.

regarding depositions by written questions). Plaintiff is encouraged to review the section on discovery in the Pro Se Manual for more guidance.

SO ORDERED.

/S/  
LOIS BLOOM  
United States Magistrate Judge

Date: December 11, 2009  
Brooklyn, New York